

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
OCTOBER 11, 1977

The meeting was called to order at 8:00 p.m. by Mayor Robert L. Kerr. Members present were: Councilmen Tony Leeds, Ray Lockman, Darrell Allsup and Jack Wheeler. Also present were City Manager Al R. Hooten and Recorder-Treasurer Marjorie B. McKernan.

APPROVAL OF MINUTES

MOTION was made by Councilman Leeds, seconded by Councilman Lockman and carried unimously that the minutes of September 13, 1977 be approved as presented.

PUBLIC HEARING--

AMENDMENT TO THE BROOKINGS COMPREHENSIVE PLAN AND ZONE CHANGE FROM RL TO RH ZONE ON TAX LOT 300, MAP 41-13-6CB REQUESTED BY FRANK M. AND GLADYS J. CEMPELLIN.

Before the Public Hearing began, Mayor Kerr announced that he would not put up with any nonsense at this meeting. All persons that address the Council are to first announce their name and address.

Mr. & Mrs. Cembellin's representatives on the above named request for zone change were: John Spicer, Attorney; John Thorp, Engineer; and Bud Sorvaag, Real Estate Broker.

Mr. Spicer presented the following exhibits:

Exhibit # 1. The floor plan showing the type of condominiums that are proposed to be constructed.

Exhibit # 2. The site plan view showing the elevation on the 2.5 acres. Fourteen (14) units are planned, which would be 7,000 square feet per unit.

Exhibit # 3. Profile from east to west showing the ground slope. Mr. Spicer inquired from John Thorp if they would ruin the view of any other homes. Mr. Thorp advised that they would not.

Exhibit # 4. Was a drawing showing how the buildings would look after construction. This drawing was looking up at the condominiums from the ocean.

Exhibit # 5. Aerial view showing how the buildings would appear from the air. Mr. Spicer inquired from Mr. Thorp about the traffic flow and he advised that they anticipated 2 to 6 vehicle trips a day and when the road is improved it would handle the traffic load. Councilman Allsup inquired as to the width of street behind the buildings and Mr. Thorp said possibly 16 feet wide.

Exhibit # 6. and Exhibit # 7. Showing how the sewer and water lines are proposed. Mr. Cembellin would install the sewer system in this development which would handle the condominium adequately. There is a 4" water line abutting the property.

Mr. Thorp advised that it appears to be stable ground and it is a safe area to build the condominium, and beings that it is in a cove it is protected from the ocean. There will be 2 parking spaces at each unit and 22 spaces for extra parking.

Cameron Thom, City Attorney, ask what impact it would have on the industry in this area? Mr. Thorp advised that it would have no impact, for you can go anyplace in the City and find that you receive the fallout from the Brookings Plywood, not just the area where the condominium is proposed.

Mr. Sorvaag advised that the demand for homes in the \$85,000. to \$95,000. range is high and the inventory is very low. He knows of four parties that are interested in purchasing a condominium. His opinion is that this area is suitable for a condominium.

Jim Barnes who lives on Mill Beach advised that the Brookings Plywood Mill has never been a problem.

Edna Allen, 200 Mill Beach Road, mentioned how the August 12th storm affected the shore line, also that there are three other properties in this area that do not have sewer. Mr. Thorp advised that if the property owners are interested he would see if they could be included in the sewer district proposed by the Cembellins. He also advised that the elevation of the buildings is 30' above the shore line and would be well above any storm but possibly a tidal wave.

Robert Monell who has purchased property in this area inquired if his property would be rezoned. He was advised that this zone change affects only the Cembellin property.

MOTION was made by Councilman Leeds that the zone change from RL zone to RH zone on Tax lot 300, Map 41-13-6CB for Frank M. and Gladys J. Cembellin be approved. Motion was seconded by Councilman Wheeler. Councilmen Allsup and Lockman voted no. Mayor Kerr voted yes, which broke the tie. Motion so carried. City Attorney advised that an Ordinance will be prepared for the next regular Council meeting in November on the above named zone change.

MONTHLY REPORTS

City Attorney - None

Consultant Engineer - Joe Stoncypher advised that the Council have until the latter part of November to award the bid on the High Level Water Project.

LEGISLATIVE ACTION:

1. ORDINANCE NO. 284, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BROOKINGS

Ordinance No. 284 was read in full.

MOTION was made by Councilman Allsup and seconded by Councilman Leeds that Ordinance No. 284 be read the second time by title only. Roll call was as follows:

Mayor Kerr	Aye
Councilman Leeds	Aye
Councilman Lockman	Aye
Councilman Allsup	Aye
Councilman Wheeler	Aye

Ordinance No. 284 was then read the second time by title only. MOTION was then made by Councilman Allsup, seconded by Councilman and carried unimously that Ordinance No. 284 be approved. Ordinance No. 284 was then declared adopted.

2. ORDINANCE NO. 285, AN ORDINANCE AUTHORIZING THE ISSUANCE AND AND SALE OF IMPROVEMENT BONDS OF THE CITY OF BROOKINGS.

Ordinance No. 285 was read in full.

MOTION was made by Councilman Wheeler and seconded by Councilman Allsup that Ordinance No. 285 be read the second time by title only. Roll call was as follows:

Mayor Kerr	Aye
Councilman Leeds	Aye
Councilman Lockman	Aye
Councilman Allsup	Aye
Councilman Wheeler	Aye

Ordinance No. 285 was then read the second time by title only. MOTION was made by Councilman Lockman, seconded by Councilman Wheeler and carried unimously that Ordinance No. 285 be approved. Ordinance No. 285 was then declared adopted.

The Staff were directed to proceed with this Improvement District and prepare bids to be opened on December 13, 1977.

3. POLICE CAR BIDS

The following bids were received:

Akin Motor Co., Inc.	\$4,991.00
Menasco Motor Co.	\$5,820.24
Coast Chrysler Center	\$4,926.45

In order for the bids to be reviewed the Council chose to reconvene this Council meeting to 10:30 a.m. on October 12, 1977 and at that time the bid on the Police car will be awarded.

4. APPOINTMENT OF PLANNING COMMISSION MEMBER AND LIBRARY BOARD TRUSTEE.

With approval of the Council, Mayor Kerr appointed Mrs. Jean Hagen as planning commission member, term to expire 4/21/81. Mrs. Margaret Zeps appointed as Library Board Trustee, term to expire June 30, 1981.

5. LETTER FROM BRUCE MANLEY, ATTORNEY, IN REFERENCE TO THE PALM STOUT PROPERTY THAT WAS DEEDED TO THE CITY.

Mr. Manley requested that the City return the property that Mrs. Stout had deeded to the city for park purposes, that Mrs. Stout felt that her expectations for the property will not be fulfilled, nor will the city perform its part of the consideration for the deed to the lots. After some discussion a MOTION was made by Councilman Leeds that the City proceed with the procedure to return this property to Mrs. Palm Stout. Motion was seconded by Councilman Allsup. Councilman Lockman and Mayor Kerr voted no. Motion carried.

6. CONTRACT FOR REMOVAL OF SLUDGE FROM WASTEWATER TREATMENT PLANT.

City Attorney prepared a contract for the above named contract and presented to the Council. MOTION was made by Councilman Allsup, seconded by Councilman Wheeler and carried unimously that the City negotiate a contract with Keith Smith for this sludge removal. This would be a five year contract.

7. REQUEST FOR QUITCLAIM DEED TO THE BROOKINGS PRESBYTERIAN CHURCH.
A copy of this request is attached to the minutes.

MOTION was made by Councilman Allsup, seconded by Councilman Wheeler and carried unimously that this request be approved.

PAYMENT OF VOUCHERS

MOTION was made by Councilman Allsup, seconded by Councilman Lockman and carried unimously that bills in the amount of \$34,455.86 for the month of September, 1977 be paid.

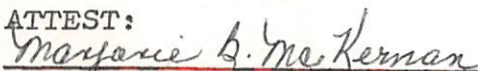
MANAGER'S REPORT - Copy Attached.

ADJOURNMENT

MOTION was made by Councilman Leeds, seconded by Councilman Lockman and carried unimously that this meeting be adjourned until 10:30 A. M., October 12, 1977. Meeting then adjourned at 10:00 P. M. This meeting was recorded on tape and is on file in the Recorder's Office.



MAYOR

ATTEST:


Recorder-Treasurer

MINUTES
RE-CONVENED COUNCIL SESSION
CITY OF BROOKINGS
OCTOBER 12, 1977 @ 10:30 A.M.

Present: Mayor Kerr, Councilmen Allsup, Leeds, and Lockman.
Councilman Wheeler, absent.

Staff: City Manager Al Hooten, Police Chief Bud Cross, Assistant
Chief Bob Babb.

Mayor called meeting to order and City Manager informed Council of
each individual dealer's bid and how each compared with the required
specifications of the City.

It was confirmed that Coast Chrysler had the low bid of \$4,926.45
for a 1978 4-door Dodge Monaco. MOTION by Allsup, second by Lockman,
unanimous vote.

Newsmedia were to be notified and also the dealer to be instructed.

Further discussion arose concerning the engineering on the Oxford,
Maple, Cedar improvement project and it was stated that HGE will not
act in this capacity on this project.

Marquiss & Marquiss of Medford will be contacted by the Mayor today.

In one other action the resignation of Mr. Parsi to the City, from
his position, was acted upon by a MOTION from Councilman Leeds and
second by Councilman Allsup. The vote was unanimous.

Meeting continued with further discussion with Parks & Recreation
Commission chairman Ellis Watkins on the Palm Stout Park situation.

No actions were taken.

Meeting adjourned at 11:10 a.m.


MAYOR

ATTEST:


CITY MANAGER



HGE INC./ENGINEERS & PLANNERS
405 NORTH FIFTH / COOS BAY, OREGON 97420 / (503) 269-1166

October 21, 1977

City of Brookings
Mayor and City Council
P.O. Box "C"
Brookings, OR 97415

Attn: Robert Kerr, Mayor

Re: Engineering Services
Project #2221

Dear Mayor Kerr:

We have been advised by Al Hooten, the City Manager, that it has been decided to terminate the association between the City and our firm. At the October 11th council meeting our firm received specific authorization to proceed with services for the Oxford and Maple Street Improvement Project, and we assume that the minutes of that meeting reflect this intention.

In view of the fact that our services have been provided under a contract with the City and upon approval of the City Council, we feel it necessary and appropriate that the City Council take formal action on this matter, and if it is their wish, provide our firm with written notice of this termination. We trust that the City Council will make every effort to compensate our firm for services provided prior to the date of termination, and that the City will not enter into contract with another firm until these obligations have been satisfied.

If the Council elects to retain our firm for specific projects for which we have already provided services, they should so instruct us.

Regardless of the decision reached by the City Council, we sincerely hope that the citizens of Brookings recognize the many worthwhile improvements and the magnitude of Federal grant funding that became available to the City during our long association.

We respectfully request that the matter of our termination be discussed, and that this letter be read aloud, at your next regular council meeting.

Very truly yours,

H.G.E., INC.

A handwritten signature in cursive script, appearing to read 'Gary L. Dyer'.

Gary L. Dyer, P.E.
Vice President

GLD/cb

cc: Al Hooten

DAVID R. FORTIER

ATTORNEY AT LAW

POST OFFICE BOX 1043

BROOKINGS, OREGON 97415

TELEPHONE 469-3223

September 23, 1977

Mr. Al Hooten
Brookings City Manager
City Hall
P. O. Box "C"
Brookings, Oregon 97415

Dear Mr. Hooten:

I believe Reverend John Lacy has discussed with you the apparent slip-up in Mrs. Stout's attempt to convey the vacated portion of Fir Street lying opposite Lots 14 through 20 of Brookings Plat No. 1 to the Brookings Presbyterian Church. It is usually the case that upon the vacation of a street one-half of the street goes to the adjoining parcels on both sides. In this case, according to the title company, the entire street was within the plat of Brookings Plat No. 1, with the result that upon its vacation, the entire street became owned by Palm Stout. Mrs. Stout then executed the Deed to the south half of the vacated street to the Presbyterian Church, evidently in the belief that they already owned the north half of Fir Street.

We enclose a copy of her Deed.

Upon that conveyance to the church, we have remaining the situation as indicated on the sketch attached to the enclosed title report, with the north half of Fir Street creating a gap between the two parcels of the Presbyterian Church's lands, which the title company indicated is now owned by the city by virtue of the conveyance of the adjoining lots to the city.

It appears evident that it was all a mistake and I hope the city will be able to co-operate in correcting this.

The church would very much appreciate it if they might receive from the city a Quitclaim Deed to the northerly half of the vacated Fir Street. I believe that the following would be an adequate description, to-wit:

The North one-half of that portion of Fir Street lying between the Easterly line of Lot 14, as extended, and the Westerly line of Lot 20, as extended, in Block 17 of Brookings Plat No. 1,

September 23, 1977

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Mr. Al Hooten

which was vacated by Ordinance No. 66 of
the City of Brookings, Curry County, Oregon.

You will notice the present vestee of the principal parcel
is "the Presbytery of Southwest Oregon" and in the interest
of consistency, I think that should be the name of the
grantee.

I believe the church has reason to want to see this corrected
at the earliest possible date so that it will certainly be
appreciated if you can assist in this.

Very truly yours,



David R. Fortier

DRF:ps
Encls.

cc: Reverend John Lacy



September 1, 1977

David R. Fortier, Attorney
P. O. Box 1043
Brookings, Oregon 97415

Order No. 27119

PRELIMINARY REPORT FOR

Standard Coverage Policy \$

Standard Loan Policy \$ 35,000

Premium:

Owners \$

Mortgagees \$ 175.00

We are prepared to issue title insurance in the form and amount shown above insuring the title to the land hereinafter described:

SEE ATTACHED EXHIBIT "A"

as of September 1, 1977 at 8:00 A. M., vest in

THE PRESBYTERY OF SOUTHWEST OREGON

subject to the usual printed stipulations and exceptions appearing in such form policy and also the following:

1. The rights of the public in and to that portion of the above property lying within the limits of public streets or highways.
2. Covenants, easements and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms thereof,
Recorded : May 7, 1954 Deed Volume: 42 Page: 268

3. Note: The proposed Mortgage should be executed pursuant to a proper resolution of the members of the congregation voted on at a duly called meeting of the congregation in accordance with the by-laws and the discipline of the church.

Copies of the discipline, by-laws, and certified copies of the resolution and minutes of the meeting should be furnished us for examination.

This Report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued, and the full premium therefore paid.

4. Taxes, including current year, not assessed because of Exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.

Exemption : Church property
Account No. : Map 41-13-5 BC Code 17-1
Tax Lot No. : 3000 (covers additional property)

5. Taxes, including current year, not assessed because of Exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.

Exemption : Public park (Municipally owned)
Account No. : Map 41-13-5BC Code 17-1
Tax Lot No. : 5200 (covers additional property)

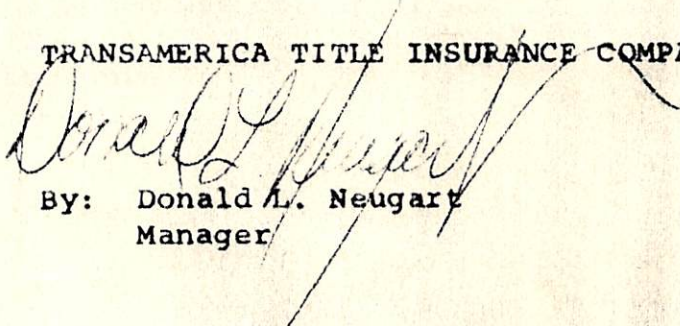
6. City Liens, if any, of the City of Brookings (we have ordered).

7. The assessor's map discloses that the North half of Fir Street, as vacated by Ordinance #66, Deed Volume 44, page 583, is a part of tax Lot 3000 when in fact the North half of vacated Fir Street is not and still belongs to the owner(s) of Lots 14 through 20, Block 17, Brookings Plat No. 1, filed in 1920.

The church acquired the South half of vacated Fir Street by deed recorded December 17, 1954 in Book 43, page 612, but the assessors maps still shows this as belonging to the abutting lots in Block 17.

Before Title Insurance can be issued on the Northerly half of vacated Fir Street, a deed must be delivered to the church, from fee owners of said Lots 14 through 20, said Block 17, Brookings Plat No. 1.

TRANSAMERICA TITLE INSURANCE COMPANY



By: Donald L. Neugart
Manager

(Revised 1953)

KNOW ALL MEN BY THESE PRESENTS, That Palm M. Stout, a single woman

in consideration of Ten---and no/100 Dollars,

to her paid by The Brookings Presbyterian Church of Brookings Oregon do hereby remise, release and forever QUITCLAIM unto the said Corporation and unto its heirs and assigns all her right, title and interest in and to the following described real property, with the tenements, hereditaments and appurtenances, situated in the County of Curry, State of Oregon, bounded and described as follows, to-wit:

The South one-half of that portion of Fir Street lying North of Block 17, Brookings, Oregon, which was vacated by Ordinance No. 66 of the City of Brookings, Curry County, Oregon, and which by virtue of said vacation reverted to the abutting property. Said South one-half of Fir Street being described as follows: Beginning at the Northeast corner of said Block 17; Thence North 21 deg. 50 min. West 20.0 feet; Thence South 68 deg. 10 min. West 345.0 feet; Thence South 7 deg. 48 min. West 20.64 feet to the Northwest corner of Lot 20, Block 17; Thence following the North line of Block 17, North 68 deg. 10 min. East 350.0 feet to the point of beginning.

To Have and to Hold the same unto the said The Brookings Presbyterian Church its heirs and assigns forever.

Witness my hand and seal this 14 day of December, 1954

Palm M Stout (SEAL)

STATE OF OREGON,

County of Curry ss. On this 14 day of Dec., 1954, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Palm M. Stout who is

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for Oregon. My Commission expires 11.21.1956

NOTARY PUBLIC FOR OREGON My Commission Expires 11.21.1956

QUITCLAIM DEED

Palm M. Stout

TO Brookings Presbyterian Church

AFTER RECORDING RETURN TO

E. L. Morto Brookings, Ore 973

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, County of Curry ss.

I certify that the within instrument was received for record on the 17 day of December, 1954, at 9'clock M., and recorded in book 43 on page 612 Record of Deeds of said County.

Witness my hand and seal of County affixed.

Olleta A. Walker County Clerk-Recorder.

By B.H. Deputy.

October 11, 1977

CITY MANAGER'S REPORT:

Informational Discussion-

- Item 1 - Tennis Court Project Status Report
(a) Billing to B.O.R.
- Item 2 - Manpower Consortium Project Proposal.
- Item 3 - Application to B.O.R. for Restroom Facility at Bud Cross Park.
- Item 4 - Action of Council to authorize staff to proceed with plans and specs and call for bids on Oxford, Maple, Cedar Project.
- Item 5 - The L.O.C. Convention (information).
- Item 6 - Reschedule meeting of Council, media, and other agency officials with CCD Director, Tony Kuhn, to discuss Industrial Expansion Study. (Tuesday - October 18, 1977 at 12:00 noon at Flying Gull.)

Note: Item 4 - The Council took action during their legislative procedures in this authorization to staff. HGE will proceed immediately to review the plans and specs to ready them for bid procedures. The Council also authorized inspection on an hourly basis for Keith Kernan on any underground installations and a time to time inspection of above ground construction - (base materials, asphalt, curbs and driveways, catch basins/grates, etc.)

CITY OF BROOKINGS
VOUCHERS PAYABLE
SEPTEMBER 30, 1977

<u>NAME</u>	<u>AMOUNT</u>
Acco Contractors	\$ 216.15
Iden Asato	30.00
American Water Works Association	100.00
Donna Ashley	81.60
Inn of The Seventh Mountain	47.50
Antique Monthly	9.50
American LinenSupply	99.66
Wendell Bartholomew	50.00
Robert E. Babb	8.45
Brookings Fire Dept.	270.00
Barco Coastal Supply, Inc.	19.95
P. Beres	75.00
R. R. Bowker	1.00
Brodart, Inc.	17.18
Brookings Electronic Service Co.	100.53
Brookings-Harbor High School	8.50
Brookings Office Supplies	34.66
Brookings Supply, Inc.	71.93
Brookings Tire Store	116.57
Budge-McHugh Supply Co.	1,052.45
Brookings-Harbor Pilot	59.50
Brookings-Harbor Sewing & Vacuum	55.00
Buds Tool Rental	13.15
Burroughs Corporation	1,439.49
Chris' Cleaning Service	216.00
Champion Products, Inc.	17.80
Coastal Petroleum Sales	682.99
City-WOMF	309.25
C. M. Cross	9.35
Coos-Curry Electric	2,975.58
CH 2 M. Hill	18.60
C & L Office Supplies	34.64
Cantel of Medford, Inc.	13.60
Certification Committee Secretary	40.00
Chetco Electric Co.	18.00
Chetco Rexall Drugs	7.94
Coast Steel & Equip., Inc.	33.15
Coast ot Coast Stores	35.11
Consolidated Freightways	73.70
Curry County Communications	96.50
Curry Glass	32.62
Daily Journal of Commerce	130.90
Dan's Photo & Cameras	2.50
Chamber of Commerce	25.00
Del Curr Supply Co-op	30.50
Del Norte Triplicate	4.90
Dennis Uniforms	56.68
Doc's Upholstery	65.00
Engineered Control Products, Inc.	2,159.25

Page No. 2-Vouchers Payable
City of Brookings, September 30, 1977

<u>NAME</u>	<u>AMOUNT</u>
Avery D. Ensley, Jr.	7.85
F & C Const., Inc.	314.57
Feenaughty Machinery Co.	283.16
Fidelity Products Co.	39.97
Finley Bros.	4.18
Frank's Office Equipment	10.50
General Electric Supply Co.	150.57
General Telephone Co.	721.50
H. G. E., INC.	1,671.97
Hach Chemical Co.	92.93
Harbor Equip.	3.50
Harbor Logging Supply, Inc.	22.50
Hilfiker Pipe Co.	72.96
Hinds Supply Co.	90.83
Homer's Rent-all	2.75
Al R Hooten	92.66
Independent Business Forms	618.44
Industrial Electric Service Co.	1,148.34
Jostens	17.51
Kerr Ace Hardware	169.88
Tom Kerr	35.00
Labproducts	49.40
Lincoln Equipment, Inc.	133.48
La Pine Scientific Co.	193.06
Littrell Parts of Brookings	382.36
Christina Lucas	125.00
McKays Markets	14.62
McInturff, Thom & Collver	350.00
Marjorie B. McKernan	25.00
Mill Beach Garden Shop	33.65
Muesco Inc.	385.34
National Geographic World	5.85
Neil Nelson	75.00
North Gate Mobil	6.00
Nudelman Brothers	228.90
O. K. Tire Stores	133.81
Dept. Of Environmental Quality	375.00
Lyle K. Owens	4.70
Pudget Sound Blueprint Co.	201.35
Pacific Water Works Supply Co.	103.97
Paramount Pest Control	8.00
Terry Phillips	30.00
Power Products, Inc.	82.89
R. M. A. Group	6,306.82
Ray's Sentry	73.72
Recreation Specialties, Inc.	7.65
Red Cove Gune & Tackle	69.50
Andy Rose Floor Coverings	3.00
Snappy Electric	14.35

Page No. 3- Vouchers Payable
 City of Brookings, September 30, 1977

<u>NAME</u>	<u>AMOUNT</u>
State Accident Insurance Fund	40.00
Sam's A & W	21.35
G. & J. Mostoller	98.35
Slaters Communications & Electronics	245.00
South Coast Stationery	43.03
Ann Sowa	200.00
Walter F. Stephens, Jr., Inc.	30.97
Jerry R. Swanson	9.40
The Crafty Bookstore	50.35
Traffic Safety Supply Co.	805.51
Earl Tuningua	75.00
U. S. Post Office	18.72
Unitog Business Clothing	10.89
Luther Ware	32.00
Western Auto Store	8.35
Western Fire Equipment	20.73
Wilson Distributing Service, Inc.	351.80
Sam Williams	109.43
Wittenberg Motor Co.	95.13
Debby Woods	76.80
Worthington Pump Corp.	936.29
Total	<hr/> \$29,340.42
Hanscam's Center	45.32
Rays Auto Supply	26.27
Square Deal Lb.	35.15
Shell Oil Co.	978.73
Tad K. L. Engman, CPA	4,000.00
U. S. Post Office	29.97
Grand Total	<hr/> \$34,455.86